



September 23, 2008

Brenda Destro
Office of Public Health and Science
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW
Room 728E
Washington, DC 20201

Re: Comments on Health and Human Services – “Provider
Conscience Regulation” – Notice of Proposed Rulemaking, RIN 0991-
AB 48

Upon review of the proposed Department of Health and Human Services “provider conscience” regulations, the California Adolescent Health Collaborative has grave concerns about the potential consequences of implementing them. As a public health organization, we advocate for improved accessibility, affordability and high standards of healthcare for adolescents and young adults. The proposed regulations would impede access to basic health care services, as well as contradict current policies designed to ensure that individuals and families obtain the care they need. Our concerns are outlined below.

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- **The sweeping definition of “health care entity” will severely limit access to health information and services:**
The proposed rule is so broad that it would allow *any* employee, contractor, volunteer or other individual or entity providing services on behalf of the facility to deny the provision of *any* health care related service for which they are responsible. For example, a health center staff person opposed to the provision of contraceptives could refuse to schedule patients seeking those services. The regulations state, “*entity/health care entity includes*” rather than “*entity/health care entity means*.” It is critical that individuals understand to which “entities” the protection applies. Please clarify precisely what constitutes “health care entity.”
- **Key definitions are not defined:** Although the proposed regulation is designed to reduce discrimination, nowhere is discrimination defined. Additionally, abortion is not defined. Vague wording to describe activities that fall under the

regulations, such as “genuinely offensive” and “reasonable connection,” leave each situation open to individual interpretation and inconsistent application, putting patient health rights at risk. Specifically define “discrimination,” “abortion,” “conscience” and “procedure.”

- **The proposed regulation conflicts with current Federal and state programs and policies:** The regulation appears to undermine the requirements of the Title X family planning program, which guarantees that the millions of women accessing care through the program receive un-biased and non-directive counseling regarding *all* of the options related to their pregnancy. Under the proposed rules, women can no longer be assured that they will be given information about and referral for all of their health care options. California’s Patient Prescription Protection Act, Comprehensive Sexual Health and HIV/AIDS Prevention Act, and Emergency Contraception Access Acts are also contradicted. How will these contradictions be reconciled?

For these reasons, we urge the Department to withdraw the Provider Conscience Regulations. Thank you for your consideration.

Sincerely,
California Adolescent Health Collaborative